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# Activist Scholarship in Human Rights

By Corinne Lennox and Yesim Yaprak Yildiz

**Keywords:** activist scholarship, human rights-based approach, human rights education, human rights scholarship

**Abstract:** Activist scholarship in human rights has made valuable contributions to the fulfilment of human rights globally but there is a very little critical self-reflection on what activist scholarship in human rights means or how it should be pursued. This article seeks to open up discussion on these points but drawing on the wider discourse of activist scholarship. Activist scholarship is distinguished by new and critical approaches to knowledge production, whereby researchers and activists collaborate in politically engaged research and use research for the purpose of furthering justice and equality of various forms. While general human rights scholarship often shares these aims, activist scholarship in human rights goes further by adopting specific methodologies and employing critical theories. The article distinguishes between the pursuits of scholarship and activist scholarship in human rights and outlines the perils and dilemmas that activist scholars in human rights can face. The article ends by proposing what a human rights-based approach to activist scholarship in human rights might consist of, drawing from the core human rights principles of non-discrimination, the right to participation and the obligation of accountability.

## Introduction

Many scholars in the field of human rights regard themselves as activists, either in their private lives or in their professional activities. However, there has been very little interdisciplinary discussion on what it means to be an activist-scholar in human rights. The hectic pace of academia rarely allows such time for critical self-reflection on our individual or collective manifesto for the use of scholarship in the advancement of human rights. This special issue, and the conference from which it derives,<sup>1</sup> was an attempt by us and our colleagues to create a space for such reflection. Our aim in convening this dialogue was to bring together diverse scholars in a broadly defined field of study to share our individual experiences of scholar activism. From this we hoped to draw some common experiences that would begin to define the content and purpose of scholar activism in human rights as well as outline the challenges we might face in these pursuits at a time of changing contexts in universities and under various political regimes.

This article draws from those conversations and the contributions of other authors in this special issue to propose some contours of scholar activism in human rights. We start from the existing but sporadic literature on activist scholarship, which can be broadly defined as politically engaged scholarship which aims at furthering justice and equality of various forms. It is constituted by a 'shared commitment to basic principles of social justice that is attentive to inequalities of race, gender, class and sexuality and aligned with struggles to

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<sup>1</sup> *Activist Scholarship in Human Rights: New Challenges*, School of Advanced Study, Senate House, University of London, 28 June 2017.

confront and eliminate them'.<sup>2</sup> Offering a new form of knowledge production, activist scholarship attempts to bridge the divide between theory and practice and researcher and the researched subject. This is reflected in its diverse methodological approaches that emphasise direct engagement with the research participants at each phase of the research from research design to data collection and dissemination. This often includes producing research directly *for* activists and not only with them. Activist scholarship radically questions what is deemed valid or legitimate scholarship emphasising the significance of knowledge produced by communities and social movements.

This description has obvious resonances with human rights principles but we are interested to more precisely define how activist scholarship might be particularly constituted in the study of human rights. Are there any distinct features of human rights research or teaching that would influence how we define activist scholarship in human rights? How should the normative framework of human rights impact on how activist scholarship in human rights is pursued? How is activist scholarship in human rights different from human rights scholarship in general? We will consider these questions and conclude by proposing some broad principles for guiding activist scholarship in human rights by drawing from the discourse of human rights-based approaches (HRBA). The HRBA has emerged primarily from the field of development policy but its core principles can also be useful for shaping practice and outcomes in activist scholarship.

### **Defining activist scholarship**

Joining together the 'academic' and 'activism' is not an obvious or assured link, particularly in some disciplines. This is partly because in popular parlance, the academic is regarded as objective, neutral and outside the fray of politics and partisanship that the practice of activism implies. In contrast, activism is generally considered as engagement in acts that are deeply political and positioned. It can include a diverse array of political standpoints from anarchism to more mainstream NGO and parliamentary politics and could embrace either a reformist approach seeking changes to improve existing laws, institutions or policies, or a radical social and political transformation that even departs from existing norms. Activist scholarship challenges this divide between the academy and activism, defining its aims as social and political engagement aiming to promote various forms of justice. Diverse theoretical approaches and methodologies such as action research, participatory action research, collaborative research, grounded theory, public intellectual work, or engaged research or research practices that have been named as *applied* and *public* have emerged from similar concerns that shaped activist scholarship.<sup>3</sup> What makes activist scholarship different from these similar approaches?

A review of the literature on activist scholarship in social sciences is a daunting task due to the high number of works that are situated within the tradition of activist scholarship, albeit in different ways, in different disciplines and for different aims. Except for a few general studies that attempt to provide a theoretical ground on activist scholarship such as those by

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<sup>2</sup> Charles R. Hale, *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship* (University of California Press, 2008).

<sup>3</sup> Charles Hale, *Engaging Contradictions*; Katharyne Mitchell, eds. *Practising Public Scholarship: Experiences and Possibilities Beyond the Academy* (Chichester: Wiley-Blackwell, 2008).

Hale<sup>4</sup>, Speeds and Sudbury and Okazawa-Rey,<sup>6</sup> the field is shaped by experience on the ground and is dominated with self-reflexive accounts about how activist scholars challenge the divide between activism and scholarship in their respective fields, the difficulties they face and how they overcome them. It is also a highly dynamic field, in constant transformation, shaped by its interaction with their respective fields. Growing literature, including special issues<sup>7</sup> and edited books, featuring diverse perspectives and experiences and different forms of activist scholarship show this dynamism. Besides self-reflexive accounts, epistemological and methodological approaches developed by activist scholars and internal criticisms particularly in relation to gendered and racialized dynamics within the field provide a fruitful ground for further debate, making the contributions of activist scholars and their innovative research methods more visible. The ever-growing literature includes a wide range of examples of how research and political engagement can be brought together in a mutually enriching way.<sup>8</sup>

The term ‘activist scholarship’ is used to denote practices by both activists within social movements who do research and scholars within academia who conduct activism-oriented research. In both cases, the emphasis is on the acts of research conducted in different institutional settings towards similar shared goals.<sup>9</sup> As D’Souza highlights, what matters is not necessarily where the knowledge is produced but rather ‘knowledge for what, for whom, for what kind of activism, and the ways in which institutional constraints colour our knowledge of the world’.<sup>10</sup> One crucial problem about the knowledge production outside universities is that it is not considered as scholarship by academic institutions.<sup>11</sup> In this article, our concern is mostly with activism of scholars based in the academy and how knowledge is produced with those outside the academy who are part of social movements for human rights.

Although it is difficult to define activist scholarship in a singular way and establish its rules, procedures and practices,<sup>12</sup> there is still a shared ground bringing together activist scholars. The field first and foremost is concerned with the rights and lives of the oppressed and with marginalised forms of knowledge. Among its fundamental aims are to challenge power relations that lead to social, political and economic inequalities and to promote justice and equality. The core of the debate about activist scholarship arises from differing epistemological viewpoints on the link between action and research, or theory and practice.

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<sup>4</sup> Charles Hale, *Engaging Contradictions*

<sup>5</sup> Shannon Speed, ‘At the Crossroads of Human Rights and Anthropology: Toward a Critically Engaged Activist Research’, *American Anthropologist*, Vol. 108, No. 1 (2006): 66-76

<sup>6</sup> Julia Sudbury and Margo Okazawa-Rey, *Activist Scholarship: Antiracism, Feminism, and Social Change* (Oxon: Routledge, 2016).

<sup>7</sup> For example: *Studies on Social Justice* Volume 9 (1) and (2), *Scholar Activist Terrain in Canada and Ireland I and II* (<https://journals.library.brocku.ca/index.php/SSJ/issue/view/79>); *Social Justice* Volume 36 (4), *Activist Scholarship: Possibilities and Constraints of Participatory Action Research* (<https://www.jstor.org/stable/i29768555?refreqid=excelsior%3A7781f97e07d6fb9134a052dda24d9f65>)

<sup>8</sup> Charles R. Hale, *Engaging Contradictions*

<sup>9</sup> Radha D’Souza, ‘The Prison Houses of Knowledge: Activist Scholarship and Revolution in the Era of “Globalization”’, *McGill Journal of Education*, Vol. 44 No.1 (2009): 19-38

<sup>10</sup> *Ibid.*, 28

<sup>11</sup> Radha D’Souza, ‘The Prison Houses of Knowledge’; Aziz Choudry, this volume; 2015

<sup>12</sup> Charles R. Hale, *Engaging Contradictions*

Activist scholarship challenges such a dichotomous conceptualization that separates academic research from activism. As various scholars writing on activist scholarship emphasise, theory and practice inform each other implicitly or explicitly.<sup>13</sup> Activist scholarship uninformed by the everyday struggles of those who suffer end up constructing sterile abstractions with little real insight or use.<sup>14</sup>

While there is a general agreement on the inseparability of theory and practice among activist scholars, there is also a tendency to analytically separate the fields of academy and activism due to the different forms and practices of knowledge production in these fields. Even when they share similar concerns and research methods, the forms of knowledge generated within activism and academic disciplines and the conventions of their presentation are different.<sup>15</sup> The academy emphasises attention to context, complexity, and nuanced analysis whereas such emphasis might inhibit the use of simple messages and concrete demands that are enlisted for activism. Even scholars who radically challenge the distinction between the academy and activism do not call for a complete eradication of the line but rather engaging them in closer contact to enrich both. Visweswaran emphasises the productive potential of separating – but not detaching – the question of scholarship from political action, warning that the incorporation of activism into the university has sometimes served to constrain or co-opt (internal) dissent. As a consequence, she sees ‘particular kinds of scholars take their skills to “the community” while particular kinds of communities have taken their activism to college campuses’, thus narrowly regulating the production of activist scholarship.<sup>16</sup> Borrowing from principles articulated by Paulo Freire in his seminal work, the *Pedagogy of the Oppressed*,<sup>17</sup> the activist scholar is challenging the power dynamics between the researcher and the researched, constructing that relationship from a position of solidarity rather than simply an ally or supporter and emphasising that both have a stake in the struggle of liberation in which they are engaging.<sup>18</sup> What is proposed by activist scholarship is to overcome this divide and bring together scholars and activists ‘in a shared process of inquiry’,<sup>19</sup> while paying attention to the different expectations in these different spheres.

In addition to its challenge of the theory and practice divide, activist scholarship also challenges the idea of objective, value-free knowledge by revealing the power dynamics in the processes of knowledge production and the specific cultural, social and economic contexts of knowledge production. Activist scholars, particularly from critical gender and race studies, question the claim of objectivity through their critical scholarship on subjugated

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<sup>13</sup> Radha D’Souza, ‘The Prison Houses of Knowledge’; David Croteau, William Hoynes and Charlotte Ryan, eds., *Rhyming Hope and History: Activists, Academics, and Social Movement Scholarship* (Minneapolis and London: University of Minnesota Press, 2005).

<sup>14</sup> David Croteau et al. *Rhyming Hope and History*, xiii

<sup>15</sup> Sally Engle Merry, ‘Anthropology and Activism: Researching Human Rights across Porous Boundaries’, *Political and Legal Anthropology Review*, Vol. 28 No. 2 (2005): 240-257

<sup>16</sup> Kamala Visweswaran, ‘Conclusion: Fragile Facts on Scholarship and Activism’, *Cultural Dynamics*, Vol. 23 No.1 (2011): 74.

<sup>17</sup> Paulo Freire, *Pedagogy of the Oppressed*, (UK: Penguin Random House, 1993).

<sup>18</sup> Rhoda Rae Gutierrez and Pauline Lipman, ‘Toward social movement activist research’, *International Journal of Qualitative Studies in Education*, Vol. 29 No. 10 (2016): 1241-1254

<sup>19</sup> Visweswaran, ‘Conclusion: Fragile Facts on Scholarship and Activism’, 74

bodies, lives and forms of knowledge aligning themselves with struggles for social and political change.<sup>20</sup>

The methodology of activist scholars follows participatory and interactive methods which define the research participants as knowledgeable, empowered actors in the research process.<sup>21</sup> As it transcends the theory and practice divide, activist scholarship also transcends the boundaries between the subject and the object of research.<sup>22</sup> The results of the collaborative research process are recognized as the product of both the researchers and research participants. This idea is also influenced by Freire, who argues that in research ('investigation'), 'it is not our role to speak to the people about our own view of the world, nor to attempt to impose that view on them, but rather to dialogue with the people about their view and ours' (69), with an aim of oppressed people 'producing and acting upon their own ideas – not consuming those of others'.<sup>23</sup> Other methodologies, such as participatory action research (PAR)<sup>24</sup>, similarly work in collaboration with the research participants from planning, action, observation and reflection.<sup>25</sup> Chatterton et al, distinguish activist scholarship from approaches such as PAR by arguing that the defining aspects of activist scholarship are commitment to social transformation, challenging power relations, building solidarity and emotional connections and building spaces for critical dialogue.<sup>26</sup> For them, activist scholarship underlines the importance of doing research 'in a "different" way, from its inception through to dissemination and most crucially (and beyond 'mere' participatory research), its collective actioning'.<sup>27</sup>

Drawing upon the wide literature on activist scholarship, it is possible to distinguish it from other forms of engaged scholarship. Regardless of the diverse political standpoints and approaches existing within the field, the common ground that activist scholars share is a commitment to justice and equality. Activist scholars often take an explicit and clear political and ethical stance from which they conduct their scholarship. They align themselves with the people and communities they engage with aiming to eradicate human suffering and challenge dominant power relations, including within the sphere of knowledge production. Following on from this common ethos and methodological distinctiveness, activist scholarship can take diverse and plural forms from active engagement in grassroots movements to critical pedagogy. There are different viewpoints on the relationship between critical knowledge

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<sup>20</sup> Julia Sudbury and Margo Okazawa-Rey, *Activist Scholarship*; Catherine Eschle and Bice Maiguascha, 'Bridging the Academic/Activist Divide: Feminist Activism and the Teaching of Global Politics', *Millennium: Journal of International Studies*, vol. 35 no. 1 (2006): 119-137

<sup>21</sup> Charles R. Hale, *Engaging Contradictions*, 4

<sup>22</sup> Radha D'Souza, 'The Prison Houses of Knowledge'

<sup>23</sup> Paulo Freire, *Pedagogy of the Oppressed*, p 69 and 81.

<sup>24</sup> See, for example, Orlando Fals-Borda, 'The Application of Participatory Action-Research in Latin America', *International Sociology*, Vol. 2, No. 4 (December 1987): 329-347; Budd Lionel Hall, 'In from the cold? Reflections on participatory research from 1970-2005', *Convergence* Vol. 8 No. 1 (2005): pp 5-24.

<sup>25</sup> Robin McTaggart, 'Participatory Action Research: issues in theory and practice', *Educational Action Research*, Vol. 2 No. 3 (1994): 315

<sup>26</sup> Paul Chatterton, Duncan Fuller, Paul Routledge, 'Relating action to activism: theoretical and methodological reflections' in *Participatory Action Research Approaches and Methods: Connecting people, participation and place*, ed. Sara Kindon, Rachel Pain and Mike Kesby (Oxon: Routledge, 2007)

<sup>27</sup> Ibid.

production and activist scholarship. According to Hale, cultural critique, while sharing the same progressive desires, manifests its political alignment ‘through the content of the knowledge produced, not through the relationship established with an organized group of people in struggle’ and without substantially transforming the conventional research methods.<sup>28</sup> Sudbury and Okazawa-Rey, on the other hand, include the production of knowledge and pedagogical practices in the definition of activist scholarship, emphasizing that it is done through active engagement with and in the service of progressive social movements.<sup>29</sup>

It is getting more common among activist scholars to refer to critical knowledge production and critical teaching and learning methods as part of their activism.<sup>30</sup> With the rising debate on decolonising the academy, including subjugated forms of knowledge in the curriculum, challenging the dominant and exclusionary perspectives and disciplinary boundaries, promoting participatory teaching methods and encouraging critical thinking are considered as crucial aspects of activist scholarship. Unlike public intellectuals who seek to make their ideas widely accessible through media and other platforms<sup>31</sup> or who engage in direct critical intervention in civic discourse and public debate<sup>32</sup>, activist scholars are more defined by their involvement in and solidarity with political grassroots campaigns working towards progressive social and political change.

### ***Perils for the activist scholar***

Activist scholarship creates conflicting demands on activist scholars. Defining oneself as an activist scholar does not only impact on how and what one would teach but also transforms one’s relations with students, colleagues, universities and communities. Engaged and grounded forms of activism often face delegitimation and bring more risks, not only in terms of career advancement for activist scholars but also security risks such as reprisals and threats by states or non-state actors. Balancing their commitment and obligation to intellectual enquiry and their political commitment to social justice often is a difficult task.<sup>33</sup> Activist scholars need to be seen as ‘academics’ by their peers, otherwise they might lose support, legitimation, and access to resources they need for their production of critical knowledge and activism.<sup>34</sup> Activist scholars often face epistemological and methodological challenges by their peers for not being objective or for not having methodological rigor.<sup>35</sup>

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<sup>28</sup> Charles R. Hale, *Engaging Contradictions*, 98

<sup>29</sup> Julia Sudbury and Margo Okazawa-Rey, *Activist Scholarship*, 3

<sup>30</sup> For example see Andrea Smith, ‘Native Studies and Critical Pedagogy: Beyond the Academic Industrial Complex’ in Julia Sudbury and Margo Okazawa-Rey, *Activist Scholarship*; Assata Zerai, ‘Models for Unity between Scholarship and Grassroots Activism’, *Critical Sociology*, Vol. 28 No. 1-2 (2002): 201-216; Craig Calhoun, ‘Foreword’ in Charles R. Hale, *Engaging Contradictions*

<sup>31</sup> Katharyne Mitchell, *Practising Public Scholarship*, 3

<sup>32</sup> Cornel West, ‘Theory, pragmatism and politics’ in *Consequences of Theory*, eds. J. Arac & B. Johnson (Baltimore, MD: Johns Hopkins University Press, 1991).

<sup>33</sup> Stanley Cohen, ‘Intellectual scepticism and political commitment: the case of radical criminology’, in *The New Criminology Revisited*, ed. P. Walton and J. Young, (London: Macmillan, 1998), 122

<sup>34</sup> Upendra Baxi, *The Future of Human Rights*, 2<sup>nd</sup> ed. (New Delhi, Oxford University Press, 2006), 274.

<sup>35</sup> Charles R. Hale, *Engaging Contradictions*

Lack of support or recognition from their peers or universities leads to feelings of alienation and often mental and emotional exhaustion.

There are also structural challenges such as differing styles of writing or different uses of terminology and academic, disciplinary-specific language that might not always be readily accessible to, or match with the needs of, activists.<sup>36</sup> Neither scholars nor activists can fully lay claim to relevant knowledge and experience that the other has.<sup>37</sup> Activist scholars might be caught between opposing views within social movements. Moving beyond academia requires embracing different concerns, interests and aims, in which one's position is negotiated. The position one takes brings different roles and responsibilities in each field requiring one to reconsider dissemination, relevance and impact.<sup>38</sup> Thus, the common strategy by activist scholars is combining these two fields in a way that they support each other without losing the end sight of promoting justice and equality. As Cohen argues, these demands cannot be reconciled simply by finding the right balance, but only through engagement with a continuous struggle to get as close as possible to a balance at a particular time and context. The universal guide Cohen suggests for this is 'not to use intellectual scepticism as an alibi for political inaction'.<sup>39</sup> This is because the pressing urgent issues of violence, suffering, and injustice cannot afford a detached form of scholarship.

Delegitimisation of research conducted by activist scholars delimits their meaningful contribution to public debate or their support of grassroots work. In response to this attack on the objectivity of activist scholars, Hale argues that activist scholars have to do 'battle' against hegemonic positivist objectivity by rearticulating it as 'positioned objectivity'.<sup>40</sup> Using the methodological tools of which they are critical, however, might constitute another dilemma, according to Gutierrez and Lipman.<sup>41</sup> Hale confronts this dilemma arguing that although activist scholars may have no choice but to state their case in the language of science, this 'strategic duality' has subversive potential if we can advance struggles for justice while also advancing a critique of positivist knowledge claims.<sup>42</sup> As Speed also argues, rather than seeking to avoid or resolve the epistemological challenges activist scholarship could seek to 'draw them to the fore making them a productive part of process'.<sup>43</sup> Trying to put activist practices into more institutional forms like the university does not mean that activist scholars should follow the rules imposed on them. Resisting the institutional

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<sup>36</sup> Stephan Couture, 'Activist Scholarship: The Complicated Entanglements of Activism and Research Work', *Canadian Journal of Communication*, Vol. 42 (2017): 145

<sup>37</sup> Upendra Baxi, *The Future of Human Rights*

<sup>38</sup> Doreen Massey, 'When Theory Meets Politics', in *Practising Public Scholarship* (see note 4), 142-143

<sup>39</sup> Stanley Cohen, 'Intellectual scepticism and political commitment', in *The New Criminology Revisited*, 126

<sup>40</sup> Charles R. Hale, *Engaging Contradictions*, 13

<sup>41</sup> Rhoda Rae Gutierrez and Pauline Lipman, 'Toward social movement activist research', *International Journal of Qualitative Studies in Education*, Vol. 29 No. 10 (2016): 1241-1254

<sup>42</sup> Charles R. Hale, *Engaging Contradictions*, 10

<sup>43</sup> Shannon Speed, 'At the Crossroads of Human Rights and Anthropology', 66



forms that reproduce power dynamics among social groups and racialized, gendered, and other subjections is essential part of activist scholarship.<sup>44</sup>

Another peril for the activist scholar, but not specific to the activist scholar, is the dual turn towards marketisation of higher education in many states and the demand for ‘public impact’ evidence of scholarship that is also growing in many contexts. In the UK’s Research Excellence Framework (REF) for Higher Education Institutions, ‘impact is defined as academic research having an effect on, change or benefit to the economy, society, culture, public policy or services, health, the environment or quality of life, beyond academia’.<sup>45</sup> Universities seek to embed public engagement into their research activities, including through an emphasis on the need for collaboration between the academy, NGOs, private sector and policy organizations. In the UK, there is the National Coordinating Centre for Public Engagement that runs projects bringing universities and other organisations together for mutual beneficial aims. In principle, such a turn should in some way enhance activist scholarship. However, when the emphasis on public benefit of scholarship goes along with the increasing marketisation in the academy, this pushes humanities and social sciences scholars to justify the economic viability of their scholarship. As Wendy Brown argues in relation neoliberalisation of education, ‘knowledge is not sought for purposes apart from capital enhancement, whether that capital is human, corporate, or financial. It is not sought for developing the capacities of citizens, sustaining culture, knowing the world, or envisioning and crafting different ways of life in common’.<sup>46</sup> It is rather sought (to quote the REF guidance) ‘to provide accountability for public investment in research and produce evidence of the benefits of this investment’.<sup>47</sup> The increasing reliance on private sector or philanthropic endowments to fund academic research further narrows the scope of impact as determined by the interests of elite actors. In countries adopting this model, what we witness is marketisation and instrumentalisation of academic research, raising the question whether the expected impact is for social change or for economic return.

The neoliberal understanding of ‘impact’ becomes clearer when considering the marginalisation of scholars who define themselves as activists and who engage actively with radical grassroots movements. The decrease in the public funding for higher education has led to a rise in the administrative and teaching workloads of academics<sup>48</sup> and increasing precarity in the academy. The introduction of performance and impact measures in higher education, such as the Teaching Excellence Framework (TEF) and Research Excellence Framework (REF) in the UK, create increasing pressure on academics to publish, leaving

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<sup>44</sup> J. Sebastian Rodríguez-Alarcón and Valentina Montoya-Robledo, ‘The Unrestrained Corporatization and Professionalization of the Human Rights Field’, *InterGentes: The McGill Journal of International Law & Legal Pluralism* <https://intergentes.com/the-unrestrained-corporatization-and-professionalization-of-the-human-rights-field/#>

<sup>45</sup> See Research Excellence Framework Impact Case Studies at the following link: <https://impact.ref.ac.uk/casestudies/FAQ.aspx>

<sup>46</sup> Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (New York: Zone Books, 2015), 177-178

<sup>47</sup> See Research Excellence Framework 2021, ‘What is the REF’ at the following link: <https://www.ref.ac.uk/about/what-is-the-ref/>

<sup>48</sup> Grey, S. J. ‘Activist Academics: what future?’, *Policy Futures in Education*, Vol. 11 No. 6 (2013): 700-711

little time for any engagement in activism. Scholars who are engaged in activism are now confronted with more challenges about how to balance activist research with their other academic and personal responsibilities and how to gain legitimacy for their activist work within the university.<sup>49</sup> Activist scholarship might mean risking career advancement denials of tenure, marginalisation not just by their peers but sometimes their wider circles and concerns about job security.<sup>50</sup> In addition to the marketisation of the academy, universities are also dominated with elitism, social inequality and complicity.<sup>51</sup> Considering that activist scholars are often already located in the margins of mainstream academic institutions and predominantly come from feminist and ethnic studies programs<sup>52</sup>, the current situation of the academy serves to further their marginalisation. This creates an exclusive academy that has lost touch with the concerns of activists on the ground.

Activist scholars who have written on their experiences have come up with some solutions to overcome these many challenges.<sup>53</sup> In addition to making activism a core part of scholarship and making the debate about the challenges and dilemmas part of this process, their suggestions include building and maintaining the support of peers and superiors, keeping colleagues informed of political activities, connecting to a likeminded community as a source of mentorship and support, creating spaces (both physical and online) for activist scholars to discuss their experiences, setting up collaborative and active learning strategies bringing together students, scholars and grassroots activists, campaigning for academic freedom and against the marketisation of the academy and challenging the conventional criteria for academic publications which exclude community-engaged research. In sum, activist scholars often have to work harder than others to eliminate any criticism of their scholarship from within the academy and to make their work instrumental for activists outside the academy.

### **Human rights scholarship and the incubation of activism**

Before we move to define activist scholarship in human rights, we want to begin with an overview of what we mean by human rights scholarship. Human rights are not strictly speaking an academic discipline, although there have been some arguments that it is evolving as such. The study of human rights was dominated by legal scholarship when it first emerged

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<sup>49</sup> Bloom, L. R., & Sawin, P. 'Ethical responsibility in feminist research: Challenging ourselves to do activist research with women in poverty', *International Journal of Qualitative Studies in Education*, Vol. 22 No. 3 (2009): 333-351; Laura Pulido, 'FAQs: Frequently (Un)Asked Questions about Being a Scholar Activist' in *Engaging Contradictions*; Ornette Clennon, this volume.

<sup>50</sup> Assata Zerai, 'Models for Unity between Scholarship and Grassroots Activism'; Charles R. Hale, *Engaging Contradictions*; Michael G. Flood, Brian Martin and Tanja Dreher, 'Combining academia and activism: common obstacles and useful tools', *Australian Universities Review*, Vol. 55 No.1 (2013): 17-26; Sandra Smeltzer and Sara Cantillon, Guest Editors' Introduction: Scholar-Activist Terrain in Canada and Ireland, *Studies in Social Justice*, Vol. 9 No. 1 (2015): 7-17

<sup>51</sup> Julia Sudbury and Margo Okazawa-Rey, *Activist Scholarship: Antiracism, Feminism, and Social Change*, 2

<sup>52</sup> Charles R. Hale, *Engaging Contradictions*, 3

<sup>53</sup> Assata Zerai, 'Models for Unity between Scholarship and Grassroots Activism'; Michael G. Flood, Brian Martin and Tanja Dreher, 'Combining academia and activism: common obstacles and useful tools'; Stephan Couture, 'Activist Scholarship: The Complicated Entanglements of Activism and Research Work'.

but it is now regarded as a field of study constituted by several disciplines, especially in sociology, political science and anthropology and also distinguished by the common practice of interdisciplinary research.<sup>54</sup> This has expanded greatly over time, including through the reframing of topics in human rights terms (for example, human rights and the environment), the growing historiography of human rights, to emerging interest in the applicability of human rights law to disciplines such as health, economics and computer science.<sup>55</sup>

The establishment of dedicated research hubs on human rights in universities is a relatively recent development.<sup>56</sup> From the time when human rights scholarship had to justify its place in the curriculum<sup>57</sup>, human rights programs and research centres have now proliferated in universities across the world. The form that human rights scholarship has taken varies according to the social and political context of different countries as well as their embeddedness in the global human rights regime.<sup>58</sup> While the first human rights centre at the University of Louvain in Belgium in 1968 explicitly links its founding to the United Nations International Year for Human Rights and offered specialised legal degree programs in human rights, Columbia University's Center for the Study of Human Rights was established in 1978 as an interdisciplinary institution. The Human Rights Institute at the University of Jose Simeon Canas in El Salvador, established in 1985 when the country was amid civil war, took a more activist approach collaborating with local civil society organizations and playing an active role in promoting the new peace accords.<sup>59</sup> The human rights centre at the National University of Ireland, Galway was established in 1980 by activist lawyers, including Kevin Boyle and Mary Robinson, along with a former Chairman of Amnesty International, Sean McBride, demonstrating the role that NGOs could play in developing such research hubs.<sup>60</sup>

With research on human rights has also come human rights education (HRE) at the tertiary level. The UN has introduced various documents and initiatives on human rights education

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<sup>54</sup> Henry J. Steiner, 'The University's Critical Role in the Human Rights Movement', *Harvard Human Rights Journal*, 15 (2002): 317-328; Peter Rosenblum, 'Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas', Elizabeth Ann Griffin, 'The Dilemmas of the Postgraduate International Human Rights Law Educator', *Journal of Human Rights Practice*, 7: 1 (2015): 18 – 39

<sup>55</sup> The Scientific Responsibility, Human Rights and Law (SRHRL) Program under the American Association for the Advancement of Science is one such example. See <https://www.aaas.org/programs/scientific-responsibility-human-rights-law>. Other examples of interdisciplinary studies on human rights include: Tiziana Panizza Kassahun (ed.), *Architecture & Human Rights: A Book on Urban Thinking*, (Sulgen: Niggli Verlag, 2018); Susan Perry, Claudia Roda (ed.) *Human Rights and Digital Technology: Digital Tightrope*. (London: Palgrave Macmillan, 2017); Rebecca J. Cook, Bernard M. Dickens, and Mahmoud F. Fathalla, ed. *Reproductive Health and Human Rights: Integrating Medicine, Ethics, and Law*. (Oxford: Oxford University Press, 2003).

<sup>56</sup> David Suárez and Patricia Bromley, 'Professionalizing a Global Social Movement: Universities and Human Rights', in *American Journal of Education*, Vol. 118, No. 3 (2012): 253-280

<sup>57</sup> Peter Rosenblum, 'Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas', *Harvard Human Rights Journal*, Vol. 15 (2002): 301-315

<sup>58</sup> David Suárez and Patricia Bromley, 'Professionalizing a Global Social Movement: Universities and Human Rights'

<sup>59</sup> *Ibid.*, 256-257

<sup>60</sup> Kevin Boyle, 'Twenty-five Years of Human Rights at Essex', in *Essex Human Rights Review*, Vol 5, No. 1 (2008): 12.

at different levels and for different audiences.<sup>61</sup> In the 1993 World Conference on Human Rights in Vienna, human rights education was declared ‘essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace’.<sup>62</sup> This was followed by other initiatives including the launch of the UN Decade for Human Rights Education (1995-2004), the World Programme for Human Rights Education (2005-2014) and the adoption of the Declaration on Human Rights Education and Training by the UN General Assembly in 2011. These developments transformed the rather sporadic nature of the human rights education discourse into a more centralised and institutionalised form.<sup>63</sup> Although this article is not concerned with ‘human rights education’ as it was defined and institutionalized by the UN structures, the UN’s definition and institutionalisation of human rights education has made an impact on both the emergence and the content of human rights programs in higher education institutions. The study of international human rights laws and institutions now forms a crucial part of human rights courses in universities.

The expansion of the field of human rights as an academic focus is not surprising considering the hegemony of human rights discourse as the moral and legal language to understand and confront injustices across the world. It also reflects the widening body of international human rights law, emerging jurisprudence, with numerous international and regional human rights treaties, and increasing engagement in UN and regional human rights mechanisms. The growing number of inter-governmental organisations and civil society organisations with a wide span of geographical and thematic foci as well as the establishment of national human rights institutions across the world, created both a need for expertise on human rights and a job market leading to a rise in demand for human rights courses.<sup>64</sup>

As human rights scholarship has expanded, critical perspectives in the field of study have also flourished. This current of thought has resulted in part from criticisms that human rights scholarship had prioritised international human rights law and the UN and regional structures and promoted legalistic and Eurocentric perspectives.<sup>65</sup> As Coysh remarks, while validating institutional, expert and technical forms of knowledge, such scholarship buried and discounted cultural, indigenous and community forms of knowledge.<sup>66</sup> The epistemic hegemony of UN norms in the understanding of human rights and the narrow legalistic and institutional language of human rights often led to a move towards more top-down and state-led approaches to justice and protection mechanisms, while dismissing and delegitimising

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<sup>61</sup> In 1992, the UNESCO Chairs program was established to advance research, training and program development in higher education including human rights.

<sup>62</sup> UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23, available at:

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

<sup>63</sup> Joanne Coysh, ‘The Dominant Discourse of Human Rights Education: A Critique’ in *Journal of Human Rights Practice* Vol. 6, No. 1 (2014): 93

<sup>64</sup> Elizabeth Ann Griffin, ‘The Dilemmas of the Postgraduate International Human Rights Law Educator’; Damien Short, ‘Researching and studying human rights: interdisciplinary insight’ in *Contemporary Challenges in Securing Human Rights*, Institute of Commonwealth Studies, School of Advanced Study, University of London, pp. 7-12

<sup>65</sup> See, for example, Makau Mutua, *Human Rights: A Political and Cultural Critique*, Philadelphia, Pennsylvania: University of Pennsylvania Press, 2002; Birgit Schippers, ed. *Critical Perspectives on Human Rights*, London: Rowman and Littlefield, 2019.

<sup>66</sup> Joanne Coysh, ‘The Dominant Discourse of Human Rights Education’, 89-90

collective agency and action and more radical social movements and rights struggles.<sup>67</sup> Some disciplines have responded directly to this critique: for example, anthropology has focused on the social practice of human rights and how various social groups use the language of human rights, while sociology has focused on the social construction of rights and the role of social forces and structures in the genesis of such rights and human rights movements.<sup>68</sup> With the emergence of new social movements in the last few decades and postcolonial and critical race and gender theories, critical scholars have challenged the dominant positivist discourses in law and the social sciences, including in the field of human rights, and sought to bring the subjugated knowledges from the margins of academia to its centre.<sup>69</sup> There are now increasing voices highlighting the need to go beyond the colonial and Eurocentric understanding of the dominant human rights regime and to decolonise the human rights education and the curricula.<sup>70</sup> Such a decolonising approach to human rights study questions both the pedagogies and the curricula as well as the dominant discourse on human rights.

Considering the diversity of approaches to human rights, what constitutes human rights scholarship is a loaded question and its definition in terms of its scope, objectives, principles, missions, and pedagogies will depend on how one narrates the history of human rights. Different conceptions of human rights, depending on whether defined from the perspectives of the people's struggles for their rights or from the perspectives of national and international actors, will lead to different forms of human rights education.<sup>71</sup> That is, while human rights scholarship can enable social change, it can simultaneously reproduce the status quo.<sup>72</sup>

An overview of human rights research centres and teaching programmes in higher education institutions demonstrates that the aims and the functions of human rights scholarship are manifold, which include:

- *Knowledge production* on human rights theories, norms, discourses, legal standards and jurisprudence and contemporary issues and social movement on human rights;
- *Conducting research to document* human rights violations and compliance with human rights standards by various actors including states and non-state actors (e.g. corporations).

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<sup>67</sup> Ibid., 106; Kieran McEvoy. 'Beyond Legalism: Towards a Thicker Understanding of Transitional Justice', *Journal of Law and Society*, Vol. 34, No. 4 (2007): 411-440

<sup>68</sup> Damien Short, 'Researching and studying human rights: interdisciplinary insight'

<sup>69</sup> Radha D'Souza, 'The Prison Houses of Knowledge'.

<sup>70</sup> André Keet, 'It is time : Critical human rights education in an age of counter-hegemonic distrust', *Education as Change*, 19(3), (2015): 46-64; Audrey Osler 'Human Rights Education, Postcolonial Scholarship, and Action for Social Justice', *Theory & Research in Social Education*, Vol. 43 No.2 (2015): 244-274; Michalinos Zembylas, 'Re-contextualising human rights education: some decolonial strategies and pedagogical/curricular possibilities', *Pedagogy, Culture & Society*, Vol. 25 No. 4 (2017): 487-499; Coysh, 'The Dominant Discourse of Human Rights Education'.

<sup>71</sup> Upendra Baxi, 'Human Rights Education: The Promise of the Third Millennium?'. Paper presented at the Conference of the United Nations Member States and Non-Governmental Organizations (New York, NY, December 9, 1994).

<sup>72</sup> Coysh, 'The Dominant Discourse of Human Rights Education', 89.

- *Teaching and developing skills and theoretical tools* for human rights research and practice from various disciplinary perspectives, including critical perspectives on human rights.

### **Defining activist scholarship in human rights**

Having defined the contours of human rights scholarship, how can we distinguish this wider pursuit from the distinct practice of activist scholarship in human rights? Much of human rights activism and scholarship finds common ground in the international legal framework of human rights. This shared normative starting point is exceptional in scholarship more generally, which is to say that not many other disciplines can so clearly identify a well-defined link between their (principled) aims in research and the aims of practitioners. Many human rights scholars have an ongoing alignment with NGOs and activist networks. Human rights centres and programs often work at the interface of theory and practice of human rights and aim to bring together activists and scholars.<sup>73</sup> Scholars in human rights frequently claim the role of activist, cross disciplinary boundaries, and bridge the academic-practitioner divide.<sup>74</sup> Griffin's research, for example, shows that the majority of the postgraduate international human rights law educators she interviewed defined themselves as activists or at least as having some ideological attachment to human rights as a project for social change.<sup>75</sup> Many human rights scholars also started their careers in human rights activism, as did the present authors.

Just like the diversity and plurality of the meaning of the notion of human rights from ethical norms to legal practices, human rights activism also takes diverse forms. Although all forms of human rights activism aim to eradicate human suffering and injustice, the way to do that changes across geographical regions and historical contexts. While in certain countries, such as Turkey or Argentina, human rights activism has taken more of a grassroots form, in Western European countries, such as the UK, it has been more confined to the NGOs. The study and practice of human rights and the extent of collaboration between the academy, NGOs and grassroots movements, depend on the discipline in question as well as the historical and geographical context. In Latin America, for example, Cesarini and Hertel argue that 'human rights scholarship has a far richer interdisciplinary tradition, due to their educational environments that have historically been more open to collaboration among different disciplines than their US counterparts'.<sup>76</sup> In some countries 'It may be an overtly political act to declare that your university is beginning a program for the study of human

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<sup>73</sup> Almost all human rights centres at the universities emphasize their role in bridging activism and scholarship. Some specific examples: University of York and University of Nottingham have fellowship programs for human rights defenders, LSE has an Activist-in-Residence program and the Human Rights Consortium at the School of Advanced Study, University of London, hosts the Human Rights Researchers' Network, which brings together researchers from the academy and the practitioner fields.

<sup>74</sup> Ron Dudai, 'Human Rights in the Populist Era: Mourn then (Re)Organize', *Journal of Human Rights Practice*, 9 (2017): 20; Cesarini, P. and Hertel, S. 'Interdisciplinary Approaches to Human Rights Scholarship in Latin America', *Journal of Latin American Studies*, 37 (2005): 793–809

<sup>75</sup> Griffin, 'The Dilemmas of the Postgraduate International Human Rights Law Educator', 24.

<sup>76</sup> Cesarini and Hertel, 'Interdisciplinary Approaches to Human Rights Scholarship in Latin America', 793

rights'.<sup>77</sup> In other countries, student leadership in human rights movements might also pull the academic into those movements as leaders or supporters.<sup>78</sup>

Depending on the dominant forms of human rights activism in a particular context, the levels of engagement for activist scholars in human rights also vary, which might include activism through engagement with NGOs (e.g. in research projects or by acting as a board member), litigation (both through pro bono counsel work or in amicus curiae briefs), advocacy, lobbying, policy-making, legal reform, investigation, reporting and engaging in direct grassroots activism and social mobilisation. Unlike activist scholars in other disciplines, those in human rights often work more closely with international laws and policies, which may also require an engagement with international institutions. Many scholars engage with such bodies through their activism, by collaborating with grassroots movements, providing them disciplinary expertise and data collection support, for example, in the production of alternative reports to UN treaty bodies.

The production of critical knowledge and the field of human rights education itself is increasingly defined as a form of activism.<sup>79</sup> Practicing critical pedagogies, as it can be seen from the growing decolonising movement in the universities, and studying the domination of human rights scholarship with a certain type of discourse and subjugation of other types of knowledge, particularly those arising from local grassroots movements, are regarded as important sites of resistance. It is not clear that 'mainstream' human rights education at the tertiary level is sufficiently or typically critical in its approach to the study of human rights. This might depend on the viewpoints of specific scholars engaged in the teaching programme, or the academic courses that a student chooses. This is an important question for the activist scholar in human rights: to what extent is my teaching an example of activist scholarship? How do I build the capacities of my students to engage in activist scholarship? This would necessitate going beyond teaching students the skills for activism, like how to build a campaign or to write a legal brief, to equipping students to think also about activism from a self-reflexive and critical standpoint. It might also involve educating students on specific methodological approaches that fit better with the principles of activist scholarship.

Human rights scholarship has a crucial role and responsibility in shaping the form of human rights activism today. For that reason, what we teach and how we teach human rights are crucial questions. Engagement in activist research and critical knowledge production in human rights scholarship are imperative not only because of the politically-motivated attacks on human rights but also the need for a critical analysis of the ever-growing body of international norms, laws and standards and their increasing hegemony. Activist scholarship in human rights ought to start from the premise that human rights is a socially constructed project and a normative framework subject to critique. This is because it is a system born out of power struggles, adopted through the consent of the elites and articulated with varying degrees of participation by subalterns, rendering many of the norms imperfect from the perspective of justice and equality. Many would argue that human rights cannot be fulfilled

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<sup>77</sup> Joseph Oloka-Onyango, *The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, (Human Rights Program, Harvard Law School: Cambridge, MA, 2004), p. 10.

<sup>78</sup> See, for example, Kong, this volume discussing the pro-democracy movement in Hong Kong.

<sup>79</sup> Audrey Osler, 'Human Rights Education, Postcolonial Scholarship, and Action for Social Justice'

until wider structural inequalities created by patriarchy, racism, heteronormativity, neoliberalism, dogma or other forms of hierarchy and control are addressed. Yet many human rights norms have emerged *in response to* these structures and can serve to undermine these structures if deployed strategically and with critical reflection.

Drawing upon the discussion on the defining aspects of activist scholarship, we can argue that activist scholarship in human rights is similarly defined with its commitment to various forms of justice and equality, challenge of power relations and structures that lead to inequalities and human rights abuses and its embrace of collaborative research methods, through active engagement with the activists on the ground and those who face human rights violations. Whether it is NGO activism, international advocacy or grassroots activism, activist research in human rights is designed in collaboration with affected groups from its inception to the dissemination of the research results.

Thus, what constitutes activist scholarship in human rights differs from what constitutes human rights scholarship as we outlined above in the following ways:

- *Critical knowledge production* on theories, norms, discourses, legal standards and jurisprudence and contemporary issues and social movement on human rights - but producing this knowledge *with* and *for* people affected by human rights violations, including proactively sharing knowledge through their networks;
- *Critically analysing* contemporary human rights issues, including the connections between human rights and other social constructs such as gender or in relation to other areas of practice, to expose the structural nature of many human rights violations;
- *Conducting research to document* human rights violations and compliance with human rights standards by various actors including states and non-state actors – but doing it in collaboration with people affected by human rights violations and sharing the data in the service of progressive social and political change;
- *Teaching and developing skills and theoretical tools* for human rights research and practice from various disciplinary perspectives, including critical perspectives on human rights - but doing so through critical, progressive and practice-based strategies of teaching and learning, and in a collaborative way with people affected by human rights violations and activist leaders;
- *Analysing* human rights standards (especially in legal processes) with a view to preparing amicus curiae briefs or acting pro bono on litigation or legislative drafting;
- *Developing policy guidance* on how to improve human rights compliance in consultation with affected groups, based on findings of activist research, and with a view to actively influencing progressive social and political change.

Unlike mainstream human rights scholarship, activist scholarship in human rights emphasises the inseparable link between theory and practice, and reflects that in all aspects of its scholarship, from teaching to research. Knowledge production in collaboration with people affected by human rights violations, activists, social movements and human rights practitioners and sharing of this knowledge through activist and local networks is a crucial part of activist scholarship in human rights. Analysis in human rights research should be



cognisant of wider structures that limit the exercise of human rights and work to dismantle these with research informed by those with lived experiences of human rights violations. There is a vast body of critical theory from which to draw in this research and which can strengthen prescriptions for social and political change.

Teaching should emphasise critique in human rights for the dual purpose of enabling students to help forge norms that respond better to subaltern demands and also forcing self-reflection in the (future) human rights researcher and practitioner on their own positionality. This can be achieved partly through curriculum reform but also through direct engagement with the grassroots, giving students the opportunity to learn from within social movements. Inviting activists to be teachers also helps to break down the barriers between the university and social movements and the hierarchies of knowledge production.

The documentation of human rights violations can be done with the guidance of affected groups, deploying also methods and protocols informed by preferences and inputs of those impacted by human rights violations. This is not an easy exercise; as Paul Gready highlights, the human rights researcher's 'responsibility to the story' can entail a 'tension between the duty to treat testifying victims with sensitivity and respect, and the duty to ensure that their claims about abuses are factually true: the tension between 'validating the victim' and 'validating the story'.<sup>80</sup>

Activist scholarship in human rights might also involve specific actions outside of the academy to directly influence legal and policy processes. To meet the principles of activist scholarship, such actions would need to be done in collaboration with people affected by human rights violations. Outputs such as amicus curiae and policy recommendations should be accessible to affected people in terms of content and availability. There is also an onus on the activist scholar to actively participate in the promotion of this legal and policy guidance.

### ***Perils for the activist scholar in human rights:***

The activist scholar in human rights shares many of the same perils as the activist scholar in general but some particular experiences can be highlighted. The rising authoritarian populism across the world has resulted in human rights norms being openly questioned and undermined. This threatens the gains made in the long and difficult history of human rights activism. This grim picture requires a rethinking of the meaning of human rights and human rights activism. As Dudai highlights 'one key factor in re-energizing human rights is to reconnect human rights with social movements struggles on the ground. Human rights—as slogans, values, methods, laws, and institutional machinery—are most effectively deployed not in the abstract but in conjunction with and in support of specific campaigns, and their role and function should be to assist such concrete struggles'.<sup>81</sup> This is a call to activism for all human rights scholars, to ensure that their research (and teaching) is not confined to the academy but also offers tools in support of the wider human rights movement. This is needed not only in sharing outputs of research but also working with social movement actors to define the priorities of research.

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<sup>80</sup> Paul Gready, 'Introduction – "Responsibility to the Story"', *Journal of Human Rights Practice*, 2.2 (June 2010): 178.

<sup>81</sup> Ron Dudai, 'Human Rights in the Populist Era: Mourn then (Re)Organize', 18

There is an important question of whether this engagement should occur at the level of the individual scholar, the human rights centre or the university at large. This question is not new - it is a dilemma that was debated at a symposium held 30 years ago at Harvard Law School on 'The Role of the University in the Human Rights Movement'.<sup>82</sup> Convened by Professor Henry Steiner, then Director of the Harvard Law School Human Rights Program, it featured leading human rights scholars and some activists from around the globe. They failed to reach a consensus on what exactly should be the role of the university *per se* in human rights movements, variously arguing that the university should not endorse a set ideology to believing that the university should intervene only on issues of its own material interest, such as freedom of speech, to seeing a moral imperative for the university to speak out in cases of egregious human rights violations. In support of the final point, Professor Upendra Baxi, for example, argued 'In times of violent social disorder and distress, universities may no longer remain nostalgic ivory towers, as if the global discourses concerning human rights were just an irritating cognitive datum'.<sup>83</sup> For the individual scholar it was acknowledged the he or she faces several moral and practical dilemmas when committing to work with human rights activists. Professor David Weissbrodt reflected:

I often wonder, for example, whether in my scholarship I should tell all that I know about the sometimes ugly insides of these institutions or whether I should follow a scholarly principle similar to a doctor's Hippocratic oath – in other words, “do no harm” to the organizations with which I have worked. I do not want to undermine the human rights discourse, which has much to offer. “Telling all” may violate confidences or it may have political consequences.[...] On the other hand, will my silence violate my commitment as a scholar to the truth? Will it deprive the human rights community of an opportunity to improve? There are also the purely practical questions. If I make sensitive matters public, would I lose my access to inside information, and will that make it hard for me to be helpful to those organizations in the future? How can I establish a scholarly critical distance so that I can really help human rights organizations?.<sup>84</sup>

To a great extent, any scholar engaged with activism faces these moral and practical dilemmas. For the activist scholar in human rights, the 'political consequences' Weissbrodt notes may be more severe. For example, a critique of human rights activism by an activist scholar can be used by oppressors of human rights movements to justify their crackdowns. It can also have the effect of breaking down importance alliances in the human rights movement or, more fundamentally, damage the fragile global consensus around human rights norms. Activist scholars in human rights might face moral and political dilemmas in their engagement with social movements and political struggles. They may become embroiled in diverging viewpoints within social movements and find it difficult to advance nuanced arguments within polarised positions. As Hale notes, while intellectual production is not

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<sup>82</sup> *The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, Human Rights Program, Harvard Law School: Cambridge, MA, 2004.

<sup>83</sup> Upendra Baxi, 'The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999', 28.

<sup>84</sup> David Weissbrodt, *The Role of the University in the Human Rights Movement: An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, 23.

necessarily compromised by the needs and demands of broader political struggles, ‘activist research is compromised – but also enriched – by opting to position itself squarely amid the tension between utopian ideals and practical politics’.<sup>85</sup>

Activist scholars in human rights may be at greater risk of persecution by the state or attacks by non-state actors or the wider public. Other activist scholars may share this risk but advocates of human rights may be particularly vulnerable because the state, powerful corporations, organised crime or paramilitaries are so often directly implicated in human rights violations. Universities have come into criticism for not adequately defending staff who are the targets of such persecution, and there is a wider question of how prepared universities are to deal with the backlash against activist scholarship. Individual scholars have found some ways to better defend themselves, including using more secure digital security and altering their research methods to account for insecurity, but they remain highly vulnerable without institutional support. As Human Rights Defenders, including academics, have been increasingly targeted for their work, the university has in some cases become a place of refuge and reflection free from the wider material challenges, both economic and security, that targeted activists and activist scholars can face. Networks like Scholars at Risk and Cara have supported academics of all disciplines to escape persecution for a short or long-term basis.<sup>86</sup> In other cases, those from NGOs or community-based organisations are supported by the university to temporarily leave their country and use the university for respite, but also for scholarship. The Centre for Applied Human Rights at the University of York, UK, offers one such programme through its Protective Fellowship Scheme, described as ‘a structured relocation programme based at a university [...] that aims at providing a holistic support programme encompassing research and training opportunities alongside advocacy and networking activities, as well as rest and protection.’<sup>87</sup> With the increasing pressure on academic freedom across the world, supporting other scholars at risk through such initiatives has emerged as another important form of activist scholarship in human rights, rooted in solidarity.

There is a further issue affecting activism in human rights scholarship, which is the increasing professionalisation and corporatisation of human rights activism itself. These processes and associated bureaucratisation and hierarchy in human rights organisations reinforce privilege and non-critical forms of human rights practice.<sup>88</sup> Critics have argued that as human rights NGOs have become more elitist (in both the Global North and South), a career in human rights can soon become more focused on individual or institutional material interests than on the interests of those who suffer from rights violations. Similar criticisms can be made of human rights scholars who retreat from activism into the ivory-tower. This risk is compounded by the demands in some universities for a more corporate approach to education and research, which threatens to squeeze out human rights scholarship in favour of

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<sup>85</sup> Charles R. Hale, ‘Activist Research v. Cultural Critique: Indigenous Land Rights and the Contradictions of Politically Engaged Anthropology’, *Cultural Anthropology*, Vol. 21, Issue 1 (2006): 96-120

<sup>86</sup> Details on Cara are available at <https://www.cara.ngo/> and Scholars at Risk at <https://www.scholarsatrisk.org/>.

<sup>87</sup> Sanna Eriksson, ‘Temporary Relocation in an Academic Setting for Human Rights Defenders at Risk: Good Practice Lessons and Challenges’, *Journal of Human Rights Practice*, 10 (2018): 482.

<sup>88</sup> Rodríguez-Alarcón and Montoya-Robledo, ‘The Unrestrained Corporatization and Professionalization of the Human Rights Field’

activities that have more (economic) output or vocational orientation. As Professor Makau Mutua commented at the aforementioned Harvard symposium: ‘It is essential, therefore, that the university in the South be aware of its distance from society if it is going to produce activists and thinkers in human rights who are connected to the concerns of ordinary folk.’<sup>89</sup>

### **A human rights-based approach to activist scholarship in human rights**

We would like to propose a framework for guiding activist scholarship in human rights. In considering this, we have drawn on thinking in other communities of practice that interface with human rights activism, particularly development practitioners,<sup>90</sup> and the scant literature on human rights approaches to human rights research in general.<sup>91</sup> We would like to outline a human rights-based approach (HRBA) to activist scholarship in human rights. Such an approach could be helpful in measuring to what extent attempts at activist scholarship in human rights adhere to the foundational principles of human rights, in addition to mirroring many of the driving principles of activist scholarship more broadly.

The HRBA framework is not necessarily a prescription for activist scholars at large, many of whom may find aspects of the human rights framework problematic, from its perceived basis in liberal individualism, to the public/private divide of international law, the practices of legal positivism, the limitations of the international monitoring mechanisms, and the claims to universality. Scholars in human rights also share these concerns, as evidenced by the growing literature of critical and feminist theory on human rights. Human rights activist scholars can respond to some of these critiques by changing the way scholarship on human rights is done and to what end. Ultimately, we would argue that activist scholars and human rights activist scholars have more in common than such critiques might imply, particularly in the shared aims of justice and equality and common means of power redistribution and accountability.

The HRBA is pluralist and not concretely defined but it most commonly adheres to several core principles. The first is that human rights standards should be complied with in both the process and in the aims and outcomes of activities. The HRBA also focuses on the binary of rights-holders and duty-bearers, building capacities of both to fulfil human rights. The HRBA is guided by core principles of human rights, including non-discrimination and equality, participation and accountability. Finally, the HRBA is often concerned with addressing the *root causes* of human rights violations and not only addressing immediate outcomes of those violations.

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<sup>89</sup> Makau Mutua, *The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, 27.

<sup>90</sup> See, for example, Paul Gready and Wouter Vandenhole (eds.), *Human Rights and Development in the New Millennium: Towards a Theory of Change*, Abingdon, Oxon: Routledge, (2014); Peter Ulvin, ‘From the right to development to the rights-based approach: How “Human rights” entered development’, *Development in Practice* Vol.17 No. 4/5 (2007): pp. 597–606.

<sup>91</sup> See several chapters of Lee McConnell and Rhona Smith (eds.), *Research Methods in Human Rights*, Abingdon, Oxon: Routledge, 2018; Norman K. Denzin and Michael D. Giardina (eds.), *Qualitative Inquiry and Human Rights*, Walnut Creek: Left Coast Press, 2010; Kristin Reed and Ausra Padskocimaite, *The Right Toolkit: Applying Research Methods in the Service of Human Rights*, Human Rights Center at the University of California, Berkeley, 2012; Paul Gready, ‘Introduction – “Responsibility to the Story”’.

Before outlining the HRBA to activist scholarship it is worth recalling two key points. First, the activist scholar is typically embedded in a higher education institution, which in most countries remain public institutions and hence a form of state-actor. This means that the university and its constituents have a legal obligation as a state actor to respect, protect and fulfil human rights in its role. Second, there are human rights standards that speak specifically to access to research as a human right; for example, Article 27 of the Universal Declaration of Human Rights ‘Everyone has the right freely to [...] share in scientific advancement and its benefits’ and Article 19 ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’. These points reinforce the justification for activist scholarship in human rights and through human rights principles.

The HRBA should guide the activist scholar in human rights in both the process and the aims and outcomes of research. For example, this might be defined by asking how we conduct the research *process* (e.g. do we comply with human rights norms in our conduct of research?), how we define the intended *outcomes* (e.g. how are rights-holders determining the intended outcomes?), and what we do with the research we produce (e.g. are we producing research for rights-holders to use and do we make it accessible to rights-holders in formats that are helpful?). On teaching, the HRBA might impact on how we teach (e.g. what voices do we include in our teaching curriculum? Do we equip students to adhere to human rights in their own research? What accountability measures exist within universities?) and giving attention also to the outcome of our teaching (e.g. closing attainment gaps). In answering these questions we must also be thinking about the imbalance of power that occurs between those who know the international human rights law framework and those who do not and how we as activist scholars in human rights can redress this imbalance. While we may be interested to frame our research as human rights issues *per se*, people affected by those same violations might see problems with a very different lens, also one that is not easily translatable to human rights as we currently understand them in law. We might take Merry’s ‘vernacularisation’ approach<sup>92</sup> or – borrowing from Freire and the activist scholar ethos – we might be guided instead by the normative frameworks of the marginalised in their own words.<sup>93</sup>

The HRBA might also be distinguished by a particular focus on supporting both rights-holders and duty bearers, which might be less of a feature of activist scholarship, which is much more firmly rooted in working with people at the grassroots level. Human rights encompass both rights and duties, rights-holders and duty-bearers, so activist scholarship in human rights ought to purposefully reflect this construct. The HRBA does not necessitate an uncritical approach to duty-bearers and the power structures from which they benefit. On the contrary, the HRBA aims to empower rights-holders to alter these power structures. Equally, activist scholarship should not reinforce existing unequal power structures embodied by duty-bearers but rather seek to transform them. Activist scholars also might look beyond the formal obligations of international human rights law to conceptualise non-state actors also as duty-bearers. This is in recognition that power structures that perpetuate human rights

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<sup>92</sup> Sally Engle Merry, *Human rights and gender violence: translating international law into local justice*, Chicago: University of Chicago Press, (2006).

<sup>93</sup> Freire argues that ‘those who have been denied their primordial right to speak their word must first reclaim this right [and] [...] it is in speaking their word that people, by naming their world, transform it’. *Pedagogy of the Oppressed*, 61.

violations may not be statist only in nature but enmesh other actors whose human rights obligations are not clearly defined by international law.

If we look at the principles of the HRBA, non-discrimination and equality, participation and accountability, we could begin to construct some guidelines for activist scholarship on human rights that derive from these principles. These points may or may not be captured by existing ethical guidelines for research but rarely are they explicitly named as human rights obligations in such guidelines nor is the HRBA a formal commitment in much academic practice.

On the principle of non-discrimination and equality, we need to consider how our research may directly or indirectly discriminate against anyone affected by the research or in our process of gathering data. In practice this might mean conducting a human rights impact assessment of our research plans or integrating attention to intersectionality and the gathering of disaggregated data into our research activities. On a deeper and more profound level, this principle can also be a way of decolonising the academy, recognising that much of it is built around the privilege of dominant groups and the discriminatory exclusion of certain forms of knowledge. What the HRBA can perhaps add to activist scholarship in general is the need to examine intersectionality and not essentialise ‘the people’ or ignore oppression perpetuated within marginalised communities.

The right to participation prompts vital questions about the origins and purpose of research. What changes do we need to make to move from producing knowledge *about* victims of human rights violations to producing knowledge *with* and *for* victims of human rights violations? This is more than mere token consultation; it demands a deep rethink of how research is incubated, how it is practiced and what it is meant to contribute. It also requires questioning the privileged place of the researcher vis-à-vis the activists and victims and the power dynamics between them.<sup>94</sup> There is already innovative thinking and praxis on these points that is human rights-based, for example, in the research field of child rights<sup>95</sup> and also research with Indigenous peoples.<sup>96</sup> We also can learn much from activist scholar research, which has reflected extensively on these questions and proposed methods that are consistent with the right to participate. Research conducted by the Human Rights Center at the University of California, Berkeley, showed that both human rights scholars and human rights professionals overwhelmingly favoured qualitative approaches; the dominant forms of data collection in human rights research were semi-structured interviews (for scholars) and case studies (for professionals).<sup>97</sup> However, Hale emphasises the need to go beyond qualitative

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<sup>94</sup> Paul Gready, ‘Introduction – ‘Responsibility to the Story’.

<sup>95</sup> See, for example, Sharon Bessell, Harriot Beazley and Roxana Waterson, ‘The Methodology and Ethics of Rights-Based Research with Children’, in Invernizzi A., Liebel M., Milne B., Budde R. (eds) ‘*Children Out of Place*’ and *Human Rights*. Children’s Well-Being: Indicators and Research, vol 15. Springer, Cham (2016): pp. 211-231.

<sup>96</sup> See, for example, Australian Institute of Aboriginal and Torres Strait Islander Studies, *Guidelines for Ethical Research in Australian Indigenous Studies* (2012); available at: <https://aiatsis.gov.au/sites/default/files/docs/research-and-guides/ethics/gerais.pdf> (accessed 17 July 2019).

<sup>97</sup> Semi-structured interviews were used by 61% of human rights fellows, followed by 45% using case studies and 36% using ethnography; of human rights professionals (e.g. working in NGOs), 62% used case studies, 45% used archival research and 44% used semi- structured interviews. Human Rights Center, Kristin Reed and Ausra Padskocimaite, *The Right Toolkit: Applying Research Methods in the*

research methods that treat people as research informants and instead position them as empowered knowledgeable participants in the entire process. Likewise, the fact that researchers are participants in activist movements or organisations requires reflecting on the forms of knowledge production in activist networks and the privilege academics enjoy.<sup>98</sup> As Baxi asks, ‘on a global plane, how do we reverse the terms of trade between the erudite intellectual and the organic intellectual in the construction of human rights research?’;<sup>99</sup> in other words, how do academic researchers [erudite intellectuals] learn from and be guided by the knowledge of victims [organic intellectuals] of human rights violations? What structures do we adopt that enable them to develop research from their own experience?

Creating these participation structures will take more time, more funding and greater flexibility; these lessons have been learned from HRBA work in general.<sup>100</sup> Convincing funding councils of this necessity (in the way that some development funders have been swayed)<sup>101</sup> is a task for activist scholars in human rights to pursue. This, however, requires reflecting on the risk that Alston points out, that is, the ‘risk that human rights programs – whether it be Harvard Law School or the University of Peru - will content themselves with making token contributions on a small scale, focused inevitably on projects that attract funding or publicity, rather than tackling the issues which are more deeply rooted and will ultimately bring greater and more enduring rewards in human rights terms?’.<sup>102</sup> To challenge that, activist scholars in human rights may need to confront marketization of human rights scholarship and education and the funding structures driven by a market ideology. This is crucial for fulfilling the right to participation and addressing the central issue of *who* decides *what* is researched.

Activist scholars in human rights need to think about their own accountability. First and foremost, this is a matter of accountability to those involved in or affected by our research. What mechanisms are in place in our research projects that enable people to hold us account in cases of grievance? What governance structures can we put in place in our research programmes that make this possible, such as research protocols drafted with affected communities or inviting community members to sit on research advisory boards? In terms of our research outputs, we might also think more about how it supports duty-bearers to become more accountable to rights-holders and equally, how we can ensure research is accessible and useable for rights-holders for the purpose of holding duty-bearers to account.

Finally, the HRBA might also help us to more clearly define our research agenda with a view to examining the root causes of human rights violations. In line with activist scholarship

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*Service of Human Rights*, (Human Rights Center, School of Law, University of California, Berkeley, 2012).

<sup>98</sup> Hale, *Engaging Contradictions*, 4; Calhoun ‘Foreword’, xxii

<sup>99</sup> Upendra Baxi, *The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, 58.

<sup>100</sup> Wouter Vandenhoe, Corinne Lennox, Paul Gready and Hugo Stokke, “Some cross-cutting issues and their policy implications”, in *Human Rights and Development in the new Millennium: Towards a Theory of Change*, Paul Gready and Wouter Vandenhoe (eds), Abingdon, Oxon: Routledge, (2014): pp. 272-299.

<sup>101</sup> Swedish International Development Agency, *Human Rights Based Approach to Research*, (January 2015); available at <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/thematic-briefs/human-rights-based-approach-research.pdf> (accessed 25 June 2019).

<sup>102</sup> Philip Alston, *The Role of the University in the Human Rights Movement; An Inter-disciplinary Discussion held at Harvard Law School, September 1999*, 57.

more generally, this should include an aim to challenge the power relations that lead to inequalities and other human rights abuses. This might also require activist scholars in human rights to become more familiar with the literature of critical theory, which is oriented towards these questions. Indeed, the root causes of some human rights violations might be the limitations of the international human rights law framework itself. For example, scholars focused on the right to an adequate standard of living might work with social movements of the poor to challenge the prevailing prescriptions for implementing that norm, which might entail discussion on what an adequate standard of living means for individual communities. Scholars documenting torture might engage in a dialogue with torture survivors on how existing norms reflect the lived experience of torture and its ongoing effects, with a view to expanding the law or offering different remedies. The activist-scholar in human rights would work with affected groups not only to document human rights violations or even make recommendations on how to better implement existing norms but also to reflect on the quality and utility of the norms as currently understood.

## Conclusion

Human rights scholarship has emerged as a distinct field and is defined by its aim to understand the social, political and historical contexts and the root causes of, inequalities, injustice and violence, with a view to end human suffering. It has a long-standing commitment to equality and various forms of justice, which manifested itself through its strong link with human rights practice, whether legal, social or political. Human rights scholarship is inevitably fraught with dilemmas ‘between absolutism and pragmatism, radical and gradual changes, long-term and short-term gains, or assistance to individuals versus collective changes’.<sup>103</sup> Activist scholarship in human rights may provide an opportunity to tackle some of these dilemmas by bringing together grounded engagement and intellectual commitment. We have attempted here to propose a framework for doing this that is human rights compliant, borrowing from the learning of the HRBA community of practice, and building on the core principles of non-discrimination and equality, participation and accountability. An HRBA to research will require going beyond the basic ethics of research, such as informed consent or ‘do no harm’ principles, by shifting the genesis of research to *within* affected groups. Knowledge production would begin from this impetus, rather than featuring community input at a later stage in the research life-cycle. Moreover, from the activist scholarship cannon we must take the recognition that conventional forms of participation might merely reinforce existing structures of inequality by not genuinely empowering participants to achieve change.

Not all scholars of human rights may wish to situate themselves in the activist scholarship tradition for various reasons, including preference for different methodological approaches and different research priorities. There is much more to explore in this area, and an increasing need to rethink the relationship between human rights scholarship and activism and the distinctiveness and added-value of activist scholarship on human rights. Further reflections on research methods are needed but it is particularly challenging for an inter-disciplinary field like human rights, where a wide variety of methods flourish. Human rights scholarship can benefit from the vast body of literature on (and produced by) activist scholarship in social

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<sup>103</sup> Ron Dudai, ‘Introduction—Rights Choices: Dilemmas of Human Rights Practice’, *Journal of Human Rights Practice*, Vol. 6 No.3 (2014): 389 – 398



sciences from anthropology to education.<sup>104</sup> We have tried to summarise this literature here and to distil the key principles, actions and dilemmas that shape its discourse and practice. Importantly, the kinds of strategies used by activist scholars to address the dilemmas they face can also be taken up and adapted by activist scholars in human rights.

The future of activist scholarship in human rights is rich with opportunities and yet beset by increasing perils at an individual and systemic level. The form of activism in which human rights scholars engage are manifold and determine the opportunities and challenges they face and the impact they can have. While some activist scholars might embrace a reformist approach, others might have a more revolutionary aim. Forms of activism such as litigation and diplomacy at either the national or international level that take place in institutionalised settings are crucial, but they are more at risk of being detached from those affected by human rights violations and their needs and demands. All manifestations of human rights scholar activism should be characterised by active engagement in social mobilisation, be based on situated knowledge produced in collaboration with people affected by human rights violations and help to transform social, political and economic conditions that give rise to human rights violations and threats against the rights of the most marginalised.

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<sup>104</sup> Separating human rights scholarship from these disciplines is not a straightforward task, so distinction here is solely analytical.